

REMARKS/ARGUMENTS

Applicant submits this amendment in response to the Office Action mailed July 20, 2006. A petition for a three-month extension of the term for response to said Office Action, to and including January 20, 2007, is transmitted herewith.

Applicant respectfully requests reconsideration and allowance of claims 1-9 and 21 that are pending in the present application.

In the Office Action, claims 1 and 21 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action states that the claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. (Office Action at pg. 3). The Action further states that in both those claims, the recitation "wherein said primary heating source and said secondary heating source are independently activatable" is not considered enabling to those skilled in the art based on the originally filed application. (Id.)

However, the specification clearly describes this claim in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed

invention. The specification describes "a primary heater control 26, and a secondary heater control 28." (Fig. 1; pg. 7, lns. 6-7). The specification further discusses that the "primary heater control 26 preferably allows the operator to selectively activate/deactivate one or more primary heaters 40 and/or otherwise control the heat or temperature provided thereby. Likewise, secondary heater control 28 preferably allows the operator to selectively activate/deactivate one or more secondary heaters 50 and/or otherwise operatively control the radiated energy provided thereby." (Id. at lns. 10-17). As such, applicant respectfully requests that the rejection as to claims 1 and 21 be withdrawn.

Claims 1-5 and 7-9 were rejected under 35 U.S.C. 102(b) as being anticipated by Slingo. (U.S. Patent 6,481,116), hereinafter "Slingo." Claim 1 provides for a hairdryer comprising a hair dryer body having a handle portion and a head portion, the head portion having a blower for generating airflow, a primary heating source for providing heat to the airflow, and a secondary heating source for selectively providing radiant energy to the airflow as desired. The primary heating source and the secondary heating source are independently activatable.

Slingo relates to "a hair dryer employing a radiator made of a ceramic adapted when heated to radiate far-infrared radiation." (Col. 1, lns. 5-7). However, Slingo does not teach or suggest a hair dryer "wherein said primary heating source and said secondary heating source are independently activatable," as disclosed in claim 1 of the present invention. As previously noted, the present

application describes "a primary heater control 26, and a secondary heater control 28" (col. 1, lns. 5-7) wherein "primary heater control 26 preferably allows the operator to selectively activate/deactivate one or more primary heaters 40 and/or otherwise control the heat or temperature provided thereby. Likewise, secondary heater control 28 preferably allows the operator to selectively activate/deactivate one or more secondary heaters 50 and/or otherwise operatively control the radiated energy provided thereby." (Id. at lns. 10-17). Slingo discloses an arrangement whereby "fan 40 and the electrical heater 60 are controlled by the electrical switching means 32, through which the fan 40 and the electrical heater 60 are connectable to a source (not shown) of electrical power. The electrical switching means 32 may comprise a single switch (not shown) to control the fan and to control the electrical heater 60 or, if desired, a separate switch 44 to control the fan 40 and a separate switch 64 to control the electrical heater 60. The fan 40 and the electrical heater 60 may be thus controlled at a single setting for each or at plural, selectable settings for one or for both." (Col. 2, lns. 29-38). Slingo in no way teaches or suggests "wherein said primary heating source and said secondary heating source are independently activatable," as disclosed in claim 1 of the present invention. As such, applicant respectfully requests that the rejection as to claim 1 be withdrawn.

The rejection as to claims 2-5 and 7-9 should also be withdrawn, inasmuch as each of these claims depends, directly or indirectly, from claim 1.

Claim 21 was rejected under 35 U.S.C. 102(b) as being anticipated by Doljack et al. (U.S. Patent 4,450,496), hereinafter "Doljack." Claim 21 provides for a hair dryer comprising a hair dryer body having at least a first portion and a second portion, the first portion accommodating at least a primary heating source connected to a power source and a secondary heating source, wherein the primary heating source and the secondary heating source are independently activatable, the second portion accommodating a control interface for allowing an operator to control a heating effect of the primary heating source and/or the secondary heating source. The second heating source is a positive temperature coefficient heater with a doped ceramic, and the positive temperature coefficient heater is connected to the power source.

Doljack relates to "an electrical system comprising a power circuit and a control circuit wherein a PTC device is in one of the circuits and is thermally coupled to a resistive element in the other of said circuits. The PTC device protects the power circuit from excessive heat, current or both depending on the particular electrical system employed." (Col. 1; lns. 15-21). However, Doljack is in a completely unrelated field to the present application. Doljack does not in any way teach or suggest including "a hair dryer body," as disclosed in claim 21 of the present invention. As such, applicant respectfully requests that the rejection as to claim 21 be withdrawn.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Slingo in view of Doljack. As previously noted, Slingo fails to teach "wherein said primary heating

source and said secondary heating source are independently activatable," as in claim 1, which is incorporated by dependency in claim 6. Doljack has not been asserted as teaching anything that would remedy this deficiency in Slingo and accordingly, the two references in combination would not teach all the elements of claim 6.

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Slingo in view of Polaert (U.S. Patent 5,790,749), hereinafter referred to as "Polaert." As previously noted, Slingo fails to teach "wherein said primary heating source and said secondary heating source are independently activatable," as in claim 1, which is incorporated by dependency in claim 8. Polaert has not been asserted as teaching anything that would remedy this deficiency in Slingo and accordingly, the two references in combination would not teach all the elements of claim 8.

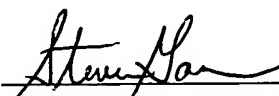
Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Slingo in view of Doljack. The Action contends that it would have been obvious to one skilled in the art, to combine the teachings of Slingo with the second portion accommodating a control interface for allowing an operator to control a heating effect of said primary heating source and/or said secondary heating source, wherein said second heating source is a positive temperature coefficient heater with a doped ceramic, and wherein said positive temperature coefficient heater is connected to said power source, as considered by Doljack, for the purpose of providing separately controlled heating sources. (Office Action at pgs. 9-10).

Applicants respectfully submit that the Action has failed to establish a motivation to combine the teachings of Slingo and Doljack. Applicant respectfully submits that the Action has engaged in improper hindsight reconstruction by picking and choosing teachings of the two references after the benefit of reading the instant application. To reach a proper determination under 35 U.S.C. § 103, knowledge of the applicant's disclosure must be put aside in reaching this determination, and the legal conclusion must be reached on the basis of the facts gleaned only from the prior art. M.P.E.P. § 2142. The references in no way teach or suggest substituting the electronic power circuit as taught by Doljack for the hair dryer of Slingo. Doljack is primarily directed toward the protection of electrical systems, not toward the heating of hair dryers, as in Slingo. As such, the motivation relied upon in the Action is only found in applicant's disclosure. Therefore, applicant respectfully requests that the rejection as to claim 21 be withdrawn.

In view of the foregoing, applicant respectfully requests favorable reconsideration and that this application be passed to allowance.

Respectfully submitted,

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